

Pursuant to 35 USC 135(b) and 37 CFR 1.607(c), applicants submit new claims 34-51, which have been substantially copied from claims 1, 2, 9, 10, 13-15 and 22-23 of U.S. Patent No. 5,998,925, issued on December 7, 1999. That patent claims priority from five Japanese applications.

The assignee of this application filed a Demand for Trial in Japan seeking to invalidate Japanese Patent No. 2927279 on March 3, 2000. That Japanese patent claims priority from three of the five Japanese applications just noted and includes claims that are directed to a light emitting diode including a fluorescent material having the general formula $(RE_{1-x}Sm_x)_3(Al_yGa_{1-y})O_{12}:Ce$. (See claim language at pages 2-5 of the Demand for Trial.) In that Demand for Trial, it is asserted that the Japanese Patent No. 2927279 is invalid under Japanese law on the basis of prior art and other reasons. The assignee of the Japanese Patent No. 2927279 filed a Written Reply arguing for the validity of Japanese Patent No. 2927279 on June 20, 2000. The Japanese authority deciding this matter has not yet rendered a decision. Applicants are planning to submit copies of these papers and the cited references in an information disclosure statement.

In order to preserve their rights with respect to claimed subject matter in an issued patent to another, applicants have presented these claims within one-year time period after issuance of the patent as required by 35 USC 135(b).

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Respectfully submitted,

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William E. Booth
William E. Booth
Reg. No. 28,933

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906